



Tennessee Board of Dentistry

Newsletter

Winter, 2002

A regulatory agency of the State of Tennessee

Vol. 2, No. 1

Cordell Hull Building, First Floor, 425 Fifth Avenue North, Nashville, TN 37247-1010

• www.TennesseeAnytime.org

DISCIPLINARY ACTIONS TAKEN BY BOARD IN SEPTEMBER

The Board, at its last meeting in September, 2001, took the following disciplinary actions:

Dyer, Pamela L. – License No. RDA493

Reprimanded for working as a registered dental assistant on an expired license, in violation of statute/rule for unprofessional and unethical conduct and failure to renew license.

Elder, James C. – License No. DDS837

Reprimanded for permitting, directly or indirectly, an unlicensed person to work without a license citing to unprofessional, dishonorable or unethical conduct.

Continued on page 2

RULE CHANGE NOTIFICATION To All Licensees

Two sets of rules became effective in 2001, and provisions within the rules affect all licensees and registrants, as follows:

Rule 0460-4-.02 Registered Dental Assistants –

- Applicants must now have graduated from high school (or have obtained a G.E.D. certificate) and be at least 18 years of age;
- Out-of-State and foreign applicants now have a process by which registration can be obtained, if other requirements are met, as well;

Continued on page 2

WELCOME NEW AND RE-APPOINTED BOARD MEMBERS!

Governor Don Sundquist made three appointments in July and one appointment in October to fill all vacancies of the eleven member regulatory Board.

Kenneth L. Schenck, Jr., D.D.S., a Board-certified specialist in oral & maxillofacial surgery, has been appointed to fill the 2001-2004 term, replacing Dr. Joseph D. Prince, the East Tennessee representative and Board President. Dr. Schenck, a native of Ohio, graduated from the University of Tennessee in 1967 with a D.D.S. degree and completed his oral surgery training at U.T. in 1970. He currently practices in Chattanooga. Dr. Schenck is married and has two sons.

Beth A. Casey, R.D.H., whose term runs until June, 2002, obtained her dental hygiene education from the University of Tennessee. A native of Rockwood, Ms. Casey has practiced dental hygiene in the Nashville area since receiving her degree in 1970. Ms. Casey is a certified TOSHA trainer and a charter member of the Organization for Safety & Aseptic Procedures Research Foundation. Ms. Casey is married and has three children.

Charles L. Rogers, D.D.S., whose term expired in March, 2001, was re-appointed to the Middle Tennessee dentist's position on the Board. Dr. Rogers, of Manchester, serves as the Board's Secretary/Treasurer. His term will run through March, 2004.

J. Glenn Greer, D.D.S., who fills the 1999-2002 term, received his D.D.S. degree from U.T. Memphis in 1959. He served in the United States Air Force and has been in private practice in Oak Ridge since 1962. Dr. Greer is married and has five daughters. ☺

DISCIPLINARY ACTIONS

Continued from page 1

Glenn, Sharon E. – License No. RDA3681

Reprimanded for working as a registered dental assistant on an expired license, in violation of statute/rule for unprofessional and unethical conduct and failure to renew license.

Harber, Bryan W. – License No. DDS4346

Reprimanded for practicing dentistry on an expired license, citing to a violation of the statute/rule for unprofessional conduct or unethical conduct and failure to renew license.

Myers, Jr., David L. – License No. DDS3477

Reprimanded for practicing dentistry on an expired license, citing to violations of the statute/rule for unprofessional conduct or unethical conduct and failure to renew license. 🦷

RULE CHANGES TAKE EFFECT

Notice To All Licensees

Continued from page 1

- **All** applicants must submit their applications and complete their documentation and fee requirements within **90 days of course completion** (last day of class), **or their application files will be closed**. Thereafter, the applicant will have to file a new application, new documentation, and another application fee. Failure to complete the application requirements within the first 90 days does not act to extend the one-year time limitation to become registered before the applicant has to repeat the formal course.

0460-2-.03; 3-.01; 3-.03 Personal Interviews –

- Rules remove mandatory, personal interviews as a requirement for processing educational and criteria license applications, when all other requirements have been met and no adverse action is reported.

Rule 0460-1-.06 Removal of Informal Settlements -

- Rule removes informal settlements (a

non-reportable disciplinary action) as an option for Board due to the reporting requirements of the Healthcare Integrity and Protection Data Bank.

0460-1-.07 Working Interviews –

- Rule prohibits licensees/registrants from conducting interviews of non-licensees when patient care is involved. Moreover, the one conducting the interview must affirmatively view and inspect the license/registration of the person being interviewed to ascertain current and unrestricted licensure or registration in Tennessee. Failure to adhere to this rule constitutes grounds for disciplinary action (based on unprofessional conduct) against the licensee. The person being interviewed, when applying to the Board, could face denial of licensure or registration.

0460-1-.06 Subpoena Power –

- Rule establishes a method by which authorized representatives of the Tennessee Department of Health may request a presiding officer of the Board to issue an investigative subpoena prior to the filing of notices of charges.

0460-2-.06 Specialty Certification –

- Rule requires applicants applying for specialty certification to have their graduate program submit notarized certificates of program completion directly from the school to the Board's Office. 🦷

ANESTHESIA RULES BACK IN COMMITTEE

The Board, at its May meeting, rejected the proposed rules which would have regulated anesthesia and conscious (intravenous) sedation, as then allowed by statute. The Board appointed an Ad Hoc Committee, chaired by **Dr. Joan Schmitt**, to meet with other Tennessee dentists to draft a new set of proposed rules.

The Committee has been meeting since mid-summer to draft proposed rules for presentation to the Board in January. 🦷

STATE'S TennesseeAnytime WEBSITE RECEIVES NATIONAL RECOGNITION

The State's newly-designed website, www.TennesseeAnytime.org, has only been updated for a few months, but has already garnered national recognition.

TennesseeAnytime was voted by Brown University's Taubman Center for Public Policy as the most dramatically improved state e-commerce web site for 2001, rising from 28th to 4th place ranking. The Taubman Center based its review and ranking on four criteria: clarity of information, online services offered, access for citizens with disabilities or limited English, and policies to ensure security and privacy. Tennessee was also named as a finalist in the "Best of Web", an evaluation of over 400 local and state government web sites.

To access Tennessee's award-winning site, enter the following:

- ? www.TennesseeAnytime.org
- ? Government
- ? Select "Executive Branch"
- ? Executive Branch Departments, Boards, and Commissions
- ? Scroll to "Department of Health" and click!
- ? Under "Health Care Licensure and Regulation", select "Health Professionals/Licensing Boards"
- ? Select "Board of Dentistry"

Visit the State's newly-designed site and check your licensure information. Efforts are being made to maintain accurate and timely information. 🦷

ON-LINE RENEWALS GO LIVE IN DECEMBER!

The Division of Health Licensure and Regulation announces its launch of a new electronic program, which makes renewal of licensure possible via the Internet. Testing on the new system has been taking place for several weeks to ensure the system's reliability and security. The system goes live in December!

Practitioners may access the online service at www.TennesseeAnytime.org/HLRS/ to renew their licenses during their renewal cycle. You will also be able to update your licensure information in a secured environment while in your renewal field.

How do you renew online?

- Step 1:** Login. Select our board and your profession; then, enter your license number.
- Step 2:** Update your Information. Change your home and/or office address.
- Step 3:** Enter your renewal information. You will answer all necessary questions, as if you were completing your hard-copy form.
- Step 4:** Payment. Enter your credit card information through the secure site and choose "submit".

What happens next?

If you have met all of the criteria necessary for renewal, your renewal certificate will be mailed to you. 🦷

ALERT... ALERT... ALERT

Dental hygienists cannot administer nitrous oxide. Currently, and until the rules are amended, hygienists may only **monitor** N2O while the dentist is physically present in the office and in strict accordance with Rule 0460-1-.01(13), *provided the hygienist has a Nitrous Oxide Monitoring Permit issued by the Board.* 🦷

WARNING FOR LICENSEES: BEWARE OF TELEMARKETING SCAM

If you are contacted by anyone who offers "benefits, including vision, audio, and a pharmacy card" to you due to your licensure status with the State of Tennessee, please BEWARE. The Board does NOT offer any benefits package for licensees and will NOT ask to send a representative to your home. The Board does not solicit personal (e.g. social security number) information from you except what information is required upon initial licensure, for renewal of licensure, or by completion of a mandatory Practitioner Profile Questionnaire (which is required for all dentists).

If you are contacted by anyone who offers a "benefits package", or attempts to meet with you to sign you up for benefits offered by virtue of your "licensure in Tennessee" and/or benefits "paid for by licensure fees", please call the Board's Office to report any contacts regarding this scam! 🦷

ORDER MODIFICATION REQUEST(S) Board Retains Jurisdiction

Disciplined practitioners who are under probation or suspension (as a part of a final order of the Board) must petition to appear before the Board to request the lifting of the disciplinary status from their license.

Requests must be made in writing to the Board's Executive Director and only after the probation/suspension has been served and the licensee is in compliance with terms of the Order. The process is called an "order modification proceeding", and the licensee will have to appear before the board, when the order modification request is heard. The Board has the authority to either grant or deny the licensee's request. In either event, the State's attorney will draft the Order that either grants or denies the licensee's request. Licensees are encouraged to seek independent counsel concerning this process.

Order Modification Granted in May, 2001

Dick, James – License No. DS-2541

Requested probation, previously ordered by the Board, to be lifted. Probation lifted.

Order Modification Granted in September, 2001

Crump, Jr., Edward P. – License No. DS-2263

Requested probation, previously ordered by the Board, to be lifted. Probation lifted. ☺

ARE YOU PRESCRIBING LEGALLY? Exercise Caution to Retain Your License And Your DEA Certification

In addition to federal and other state mandates, the dental practice act and board rules limit a dentist's prescribing practices. Are you prescribing within the requirements of the law?

The statute at T.C.A. §63-5-122 allows dentists to "...dispense, prescribe, or otherwise distribute drugs **rational** to the practice of dentistry and any prescriptions shall be written in accordance with state and federal drug laws." (emphasis added) This same statute only allows

pharmacists to fill prescriptions written by dentists **if** the prescribed "...drug [is] necessary or proper to the practice of dentistry."

The Board's rules, at 0460-2-.11, establish additional parameters for prescribing, dispensing, and distributing drugs, in summary, as follows:

⇒Controlled drugs are to be dispensed in accordance with 21 CFR 1304 through 1308;

⇒Non-controlled drugs are to be dispensed in an appropriate container labeled with the patient's name, date, complete directions for use, the dentist's name and address, and the unique number, or the name and strength of the medication;

⇒Dentists may prescribe, dispense, or **otherwise distribute** pharmaceuticals to individuals 1) with whom they have established a dentist/patient relationship, and 2) for whom they have provided (or are scheduled to provide) dental services;

⇒Dentists must confine the prescribing, dispensing or distributing of pharmaceuticals to those which are directly associated with and recognized for the treatment of an identified **dental** procedure, ailment, or infirmity;

⇒Dentists may not prescribe, dispense, or otherwise distribute controlled substances in amounts, or for durations not medically or dentally necessary, advisable or justified by an existing, identifiable **dental** procedure, ailment, or infirmity;

⇒Dentists must record in patient records all pharmaceuticals dispensed, prescribed, or otherwise distributed to patients. [A separate log must be maintained for all controlled substances dispensed by the dentist.]

The Board's Office receives phone calls each week from insurance companies, pharmacists, patients, families of patients, office personnel, and dentists concerning what the dentist should or should not be doing with regard to prescribing (dispensing and distributing) medications.

Review your obligations under the federal and state statutes and the Board's rules. It may save you from being reported to the Board's Office (or the Department's Investigative Office) and from subsequent disciplinary action by the Board. ☺

IMPLEMENTATION OF NEW PROCESS TO REPLACE ADMINISTRATIVE REVOCATIONS

The Board has, up to this date, ratified the “administrative” revocation of licenses/registrations that had exceeded the grace period for renewal and had not been renewed. This process was utilized in May and September, 2001, as follows:

Administrative Revocations

Taken by Board in May, 2001

Dentists	-	12
Dental Hygienists	-	17
Dental Assistants	-	42

Taken by Board in September, 2001

Dentists	-	09
Dental Hygienists	-	15
Dental Assistants	-	59

A new procedure, beginning with licensees who renew in February, 2002, will be instituted. Renewal notices will continue to be mailed during the month *preceding* the month in which the license/registration was due to expire. By operation of law, the license or registration expires on the designated expiration date, and the licensee/registrant cannot practice past this date. The law allows a grace period (60 days for the Dental professions) in which the licensee/registrant can renew without paying additional fees and filing a “reinstatement application”.

The language on the revised renewal application, which will be mailed in January to those who expire in February, will alert the licensee/registrant that the renewal form will be their **only** notice to renew. The expired licensee will no longer receive a “reminder letter” to renew, which is customarily mailed during the grace period, or a notice of expiration.

Each profession offers the option of licensure retirement. An Affidavit of Retirement is available on the Board’s web site, or by requesting a form from the Board’s Office.

If you believe you will want to return to practice in Tennessee, please read your profession’s rules regarding reactivation procedures of a retired license/registration, as certain restrictions do apply for reactivation. ☺

MAKING THE RENEWAL PROCESS WORK Common Pitfalls to Avoid

How can you ensure that the renewal process will work...and work the first time, every time for you? There are common pitfalls that are shared by persons in each profession. Recognizing these common errors may assist you in avoiding them and ensure trouble-free renewals. Here’s how:

Sign your renewal - All applications must bear the licensee’s signature.

Return the renewal form intact - Don’t separate the one-page renewal form. While it looks like you could, and perhaps should, separate your renewal application, return the original form in ONE PIECE.

Keep your address current – Mail (including your renewal form) is generated using a computer program, which downloads the address the Board’s Office has on file for you. If the Board’s Office has an incorrect address, the incorrect address will be used for your renewal.

If you are a dentist, file your PPQ (or update) – By statute, we cannot renew your license UNLESS you have a Practitioner Profile Questionnaire on file. (If you need to update your PPQ, simply print a copy from the internet, make changes in red, and send it to the “Healthcare Provider Information Manager” at the Board’s address.)

If answering “YES” to any one of the three questions on the back of your renewal, provide an explanation - The Board’s Office cannot process your renewal until we have written documentation [letter from your physician, court or disciplinary board order(s), etc.] and your written explanation of the events which made you answer “Yes” on your renewal.

Mail the appropriate fee with your renewal application – Some renewals are received without the fees, or fees are sent separately from renewals, or fees are sent in the wrong amounts.

If any of these errors are made, the renewal application will not be smoothly processed, if at all. Remember, failure to renew by the end of the 60-day grace period will cause your license/registration to expire and make you ineligible to practice until your license/registration is reinstated. ☺

BOARD'S OFFICE FIELDS COMPLAINTS: Patients, Practitioners, & Medical Records

What do you do when a patient requests a copy of their medical record? Simply, comply with T.C.A. §63-2-101 and 102. These statutes regulate, for all health-related boards, what the patients' and practitioners' rights and duties are.

Here's a summary: 1) The patient (or patient's authorized representative) must furnish a written request for the medical records; 2) The dentist shall furnish the medical records within ten (10) working days; 3) The dentist may charge a reasonable copying fee, as follows:

- <40 pages = not more than \$20.00
- >40 pages = \$20.00 up to 40 pages, then, .25¢ per page.

4) The dentist may charge the actual cost of mailing the records; and 5) The dentist may require that the patient, or patient's representative, pay the costs of copying prior to the "records being furnished". The patient then has the right to his or her medical records **without delay**. 🦷

CHANGES OF ADDRESS

**Must be reported (in writing) to
the Board's Office within 30 days!**

- **Your name and license number;**
- **Your profession (dentist/hygienist/assistant);**
- **Your old address and phone number;**
- **Your new address and phone number; and**
- **Your SIGNATURE!**

Board's Fax Number: 615-532-5164

RDA's WORKING BEYOND SCOPE MAKES DISCIPLINARY ACTION POSSIBLE

When the public calls to complain about dental auxiliary staff, the patients (or sometimes a family member) are now transferred to the Office of Investigations, or directed to the Board's web page

to obtain a complaint form. When the Board's Office receives a written complaint against a practitioner, the complaint is acknowledged, in writing by the Board's Director, and then transferred to Investigations. Complaints received against dental hygienists and registered dental assistants are transferred using this same process.

Registered dental assistants ("RDAs") should be acutely aware of the following:

▼ RDA's cannot perform sealant procedures. The rules are not yet written to authorize the teaching of sealants for dental assistants.

▼ Assistants cannot perform scaling or prophylaxis ("prophys").

▼ Assistants cannot perform coronal polishing unless they have received certification from the Board.

▼ Assistants cannot monitor nitrous oxide unless they have received certification from the Board. They may **NOT** administer nitrous oxide.

If you are an employer who wishes to check your assistant's credentials, you may do so by accessing the automated phone system and requesting a faxed verification. The facsimile verification will denote all certifications held by the RDA.

For Faxed Verifications:

- Dial 1-888-310-4650
- Listen to the entire first message. Listen for the "pause". Then, listen to the **second** message.
- "To obtain information regarding a health professional, such as. . dentist. .etc." [Press 1]
- "To verify the status of a license, or. . . ." [Press 1]
- "To search our database, you will need the Social Security Number of the health professional. To verify the license status, you can press 1, or visit..." [Press 1]
- "Please enter the person's Social Security Number" [Enter the SSN]
- [Verify SSN and Press 1, if correct]
- [Press 1 to ask for a fax. Enter your area code and fax machine number.]

Note: Modifiers, "qualifications", or certifications are only provided on the facsimile copy, which will be faxed to you the same business day by following the above steps. 🦷

DENTAL HYGIENISTS & NURSING HOME ENVIRONMENTS... WHAT'S REQUIRED?

What is required of dental hygienists when practicing in a nursing home setting? There are strict rules that address supervision, procedures, patient records (both of the employer dentist and the nursing facility), and consent. Failure to abide by these rules could result in disciplinary action.

Protect yourself and your patients by reviewing the rules and meeting the required protocols for the delivery of dental hygiene services, as follows:

- Patients you treat must be patients of record of the employer dentist;
- You may only perform dental hygiene procedures which are allowed by statute or rule.
- The employer dentist must have a written, documented protocol, in both the dentist's patient chart and the nursing home's patient record, which meets the following criteria:

- v Patient's name;
- v Facility name;
- v Procedures to be performed, including the frequency of services if on a regular basis and unchanged;
- v Family or patient consent (if possible);
- v Patient's physician's consent;
- v Consent of facility supportive staff to aid hygienist, if necessary; and
- v Consent of facility for registered nurse or physician to be available upon code.

- If **any** major variation of this protocol is required, the employer dentist must obtain approval of the Board. The Board has the authority under Rule 0460-1-.03(4)(b)3(vi) to approve or reject protocols for delivery of dental hygiene services in health care facilities.

Practitioners (dentists and hygienists) need to check their records to make certain that all protocol requirements are being met. If rule requirements

are not being met, refer to Rule 0460-3-.09(1) and (2) to ensure compliance.

If the protocol varies from the requirements of the Board's rules, you may request a protocol review for Board approval by contacting the Board's Office. Approval should be requested **prior** to the change in the protocols. Please note that nothing in these rules is meant to conflict with requirements established by the Division of Health Care Facilities. 🦷

BOARD MEETING DATES FOR YEAR 2002

January 24 and 25

May 09 and 10

September 19 and 20

All meetings begin at 9:00 a.m., Central Time.

STATUTORY CHANGES Enforcement Powers Enhanced

Practitioners who are licensed in this State and are disciplined by another state's licensing board can now be prosecuted by the Department of Health, if their actions in the other state would have been a violation of the Tennessee Dental Practice Act, or the Board's rules. This was one provision of Senate Bill 1771, which was signed into law by Governor Sundquist and took effect in June.

Other provisions changed the requirement for the appointment of an oral and maxillofacial surgeon to the Board [new language reads practicing dentist]; removed language which limited the board's ability to regulate only the intravenous aspects of conscious sedation; and removed the language which placed limitations on fees for dentists.

Statutory changes may be accessed at the Board's web page, or by contacting the Board's Office to receive a copy of the engrossed bill. 🦷



Tennessee Board of Dentistry
First Floor, Cordell Hull Building
425 Fifth Avenue North
Nashville, TN 37247-1010



Tennessee Board of Dentistry Board Members as of October 31, 2001

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Vice-President
Memphis

Marlene S. Waren Fullilove, R.D.H.
Vice-President
Memphis

Dr. Charles L. Rogers
Secretary/Treasurer
Manchester

Beth A. Casey, R.D.H.
Nashville

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